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In the Matter of:)
)
MICHAEL A. DENICOLE, D.O.) STIPULATION FOR
Holder of License No. 2103) CONSENT ORDER
For the practice of osteopathic)
medicine in the State of Arizona)
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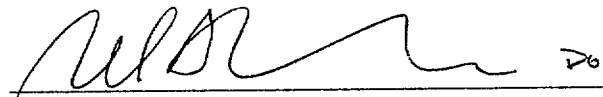
1 constitute a public record which may be disseminated as a formal
2 action of the Board.

3 5. Respondent admits to the facts and consents to all
4 the terms contained in the Stipulated Order.

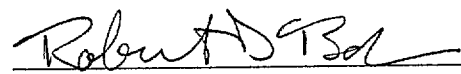
5 6. Respondent acknowledges and agrees that upon
6 signing and returning this document to the Board, he may not
7 later revoke or amend this Stipulation or the Consent Order,
8 without Board approval.

9 IT IS HEREBY STIPULATED AND AGREED that any violation
10 of said Board Order constitutes unprofessional conduct as
11 defined in A.R.S. § 32-1855.

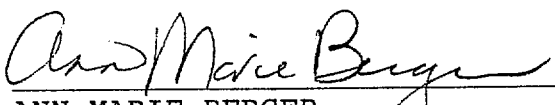
12 REVIEWED AND ACCEPTED this 16 day of February, 1996.

13 
14 MICHAEL A. DENICOLE, D.O.

15
16 Reviewed and approved as to form
17 by counsel for Respondent:

18 
19 Robert D. Bohm
Attorney At Law

20 REVIEWED AND SIGNED this 22nd day of February,
21 1996, for the Board by:

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23 
24 ANN MARIE BERGER
25 Executive Director
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BEFORE THE ARIZONA STATE BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of:)	
)	FINDINGS OF FACT,
MICHAEL A. DENICOLE, D.O.)	CONCLUSIONS OF LAW AND
Holder of License No. 2103)	CONSENT ORDER
For the practice of osteopathic)	
medicine in the State of Arizona)	

STATEMENT OF FACT

1. Information was brought to the attention of the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereinafter "Board") giving cause to believe that Michael A. Denicole, D.O. (hereinafter "Respondent"), holder of license number 2103 for the practice of osteopathic medicine and surgery in the State of Arizona, may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts or unprofessional conduct as defined in A.R.S. § 32-1854.

2. The Respondent recently received treatment for substance abuse. Respondent met with the Board during its public meeting on November 29, 1995, and acknowledged that he had improperly diverted quantities of controlled substance for his personal use for approximately one year and had become dependent upon the use of said controlled substances.

3. In public session, the Board voted on the 10th day of January, 1996 to authorize the Board's Executive Director to

1 sign and issue a Stipulated Consent Order regarding Respondent,
2 which follows hereinafter.

3 CONCLUSIONS OF LAW

4 1. The Arizona State Board of Osteopathic Examiners
5 has jurisdiction over the person and subject matter presented by
6 this matter, pursuant to A.R.S. § 32-1800, et seq.

7 2. The Board has the authority to enter into a
8 stipulated order for final disposition of this case, pursuant to
9 A.R.S. § 41-1061(D), A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

10 3. The Respondent engaged in unprofessional conduct
11 as defined at A.R.S. § 32-1854(22), i.e., using controlled
12 substances or prescription-only drugs unless they are provided
13 by a medical practitioner, as defined in section 32-1901.

14 CONSENT ORDER

15 Pursuant to the authority vested in the Board by A.R.S.
16 § 32-1855 and A.R.S. § 32-1861(D), IT IS HEREBY ORDERED THAT:

17 1. Michael A. Denicole, D.O. ("Respondent") is placed
18 upon probation for five (5) years and shall comply with the
19 terms and conditions of probation set forth herein:

20 2. From the date of this Order for the duration of
21 the five year probation, Respondent shall obtain psychiatric or
22 psychological treatment by a therapist(s) who is either a
23 licensed psychiatrist and/or psychologist and is selected by
24 Respondent and approved by the Board. Respondent shall comply
25 with the therapist(s) recommendation for the frequency of
26 treatment sessions. Respondent shall inform the Board by letter

1 (mailed within ten days of the date of this Order) of the
2 therapist's name; and, Respondent shall undertake and fully
3 cooperate with a program of treatment established by the
4 therapist. In the event Respondent changes therapists, he shall
5 give the Board written notice within ten (10) days of said
6 action. Respondent shall not discontinue or reduce the
7 frequency of psychotherapy sessions until he has submitted a
8 written request to the Board and obtained Board approval.

9 3. Respondent's therapist(s) shall receive a copy of
10 this Order. The treating therapist shall be directed by
11 Respondent to send to the Board a written progress report every
12 month for the first six (6) months, then every three (3) months
13 for the remainder of the probation; and Respondent shall waive
14 any confidentiality concerning his psychotherapy solely to
15 enable the Board to receive full disclosure of information. The
16 expense of the aforementioned therapy and the reports to the
17 Board by Respondent's therapist shall be the sole responsibility
18 of the Respondent.

19 4. Respondent shall provide a copy of this Order and
20 any subsequent Orders to all facilities where Respondent is
21 currently (or subsequently) employed as physician and/or has (or
22 subsequently receives) privileges to engage in the practice of
23 medicine; and, Respondent shall continue to make the
24 aforementioned disclosure and provide copies of this Consent
25 Order until the expiration of this Order.

26

1 5. Respondent may have his license to practice as an
2 osteopathic physician restricted, suspended or revoked by the
3 Board in the future if:

4 (A) The Board finds that Respondent does not
5 have the requisite mental, physical and
6 emotional fitness to safely continue the
7 practice of medicine; or,

8 (B) There are new grounds for finding
9 unprofessional conduct concerning
10 Respondent; or,

11 (C) Fails to comply fully with the terms and
12 conditions of this Order.

13 6. Respondent shall abstain completely from the
14 consumption of alcoholic beverages; and, Respondent shall not
15 consume illicit drugs or take any controlled substances (i.e.,
16 prescription only drugs), unless such medication is prescribed
17 for him by his treating physician. Respondent shall maintain a
18 monthly log (for the duration of probation) and provide a copy
19 of the log to the Board at the first of each month of all
20 prescription only drugs taken by him and such log shall include
21 the following information:

22 (a) the name of the medication;

23 (b) name of prescribing physician;

24 (c) reason for the medication.

25 7. Respondent shall also as part of his probation:
26 (A) submit to and cooperate in any independent medical or
psychological evaluation that is ordered by the Board for
Respondent and conducted by the Board's designated physician
and/or psychologist which shall be paid for by the Respondent;

1 and (B) appear before the Board, upon receipt of a request by
2 written or telephonic notification from the Board's executive
3 director or executive director's designee which shall be given
4 at least five (5) days prior to the Board meeting.

5 8. Respondent shall submit to random biological fluid
6 testing and promptly provide (i.e., within sixty (60) minutes of
7 notification) required biological fluids for testing and said
8 testing shall be done at the Respondent's expense.

9 9. Respondent shall participate in a minimum of two
10 (2) self-help meetings per week (for a minimum of one hour per
11 meeting) through such organizations as Alcoholics Anonymous,
12 Narcotics Anonymous and doctor's Caduceus group. Respondent
13 shall maintain a written record of the dates, time and location
14 of meetings attended; and, a copy of said written record shall
15 be provided to the Board's staff on the first day of each month.

16 10. In the event Respondent ceases to reside in the
17 State of Arizona, he shall give written notice to the Board of
18 his new residence address within twenty (20) days prior to
19 moving; and, the terms and duration of probation shall be stayed
20 until Respondent returns to Arizona.

21 11. Respondent shall not prescribe any controlled
22 substances except for the following and pursuant to the
23 conditions described hereafter: (A) Schedule ~~III~~^{II} and IV
24 substances, as defined by the Federal Controlled Substances
25 Act. (B) Respondent's prescriptions for Schedule ~~III~~^{II} and IV
26 substances, per patient, shall not exceed a dosage amount for

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1 use of the substance for more than seven (7) days and the
2 prescription may not be renewed by Respondent.

3 12. Respondent shall comply with all requirements
4 imposed pursuant to U.S. Drug Enforcement Administration
5 stipulated agreement or administrative order, court order, or
6 agreement with the U.S. Attorney (including but, not limited to
7 "pre-trial diversion agreement") and federal statutes and
8 regulations applicable to the possession and/or prescribing of
9 controlled substances. Respondent shall disclose a complete
10 copy of any and all of the aforementioned orders or agreements
11 to the Board within five (5) days of formal issuance of said
12 orders or agreements; and, delivery to the Board of the orders
13 or agreements shall be made by mailing by U.S. certified mail
14 (return receipt requested) to the Board's executive director.

15 13. Upon approval of prescription privileges,
16 Respondent must use triplicate copies of prescription pads and
17 supply the Board with copies by the first of each month for the
18 prior months prescriptions issued.

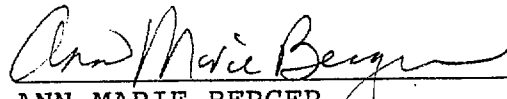
19 14. Comply with all terms and conditions imposed by
20 any Arizona hospital where Respondent has privileges or later
21 obtains privileges to practice; and, said hospital's chief
22 executive officer shall be provide by Respondent within five (5)
23 days after receipt with a copy of this Consent Order, in its
24 entirety.

25 15. The Board's Executive Director shall send
26 correspondence to there appropriate state and/or federal law

1 enforcement agency disclosing this Consent Order and information
2 in the Board's possession which may establish criminal
3 misconduct by Respondent.

4 ISSUED AND EFFECTIVE this 2nd day of February, 1996.

5 ARIZONA BOARD OF OSTEOPATHIC
6 EXAMINERS IN MEDICINE AND SURGERY

7 
8 ANN MARIE BERGER
9 Executive Director

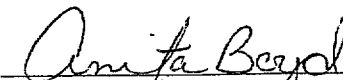
10 Served by sending U.S. Certified
11 Mail this 20th day of February,
12 1996, to:

13 Michael A. Denicole, D.O.
14 7111 N. 59th Place
15 Paradise Valley, AZ 85253

16 Mailed this 20th day of February,
17 1996, to:

18 Michael Harrison
19 Assistant Attorney General
20 Civil Division (LES)
21 1275 W. Washington
22 Phoenix, AZ 85007

23 Robert D. Bohm
24 Attorney At Law
25 BOHM & KOUDELKA, P.C.
26 4400 N. 32nd Street, Suite 150
Phoenix, AZ 85018

By: 
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